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# **“VICTIMOLOGY: A BRANCH OF CRIMINOLOGY”**

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## **Abstract:**

Victimology has grown to be an important and distinct subfield of criminology that questions the offender, focused nature of criminal justice systems. Criminology has primarily directed its attention to the causes of crime and offender punishment, leaving victim contributions to legal processes as little more than passive roles. This paper traces the development of victimology as a field that redefines crime by placing victims' experiences, rights, and vulnerabilities at the centre of discourse. Through an analysis of court decisions, especially those made by Indian courts, as well as international normative standards. The paper puts forward the idea that victimology is not just an additional viewpoint but a key foundational component of criminological analysis. Integrating victim-centred approaches is crucial for achieving substantive justice, institutional accountability, and the legitimacy of criminal justice systems in a time that is full of social inequality, technological change, and expanding State power.

**Keywords:** victimisation, crime, behaviour, offenders, harm.

## **1. Introduction**

Victimology is a branch of criminology which involves the study of how the person or persons are treated when harmed in a crime, what their experiences are and how the interaction with the offenders affected them mentally and physically. It investigates how a victim is treated in the aftermath of the crime. This term was coined by Benjamin Mendelsohn in the year 1947. On comparing with criminology, which focuses on the offender, victimology is the sub-discipline of it which focuses on the victims of a crime and the different aspects of victimization. Criminology concentrates on offenders, which means how the criminals commit crime, what the patterns of criminal behaviour are, and how they affect society. Earlier, the

victims were treated merely as witnesses for the purpose of securing a conviction. This offender-centric model ignored a crucial reality: crime is not only a legal violation but also a human experience of harm. Victimology investigates the process of victimization, including how vulnerability is created, how victims respond to crime, how systems treat victims, and how communities and states can prevent victimization and support recovery. It is closely connected with psychology, sociology, law, public health, social work, and human rights. Victimology also challenges the judicial system to balance fairness to the accused with dignity, protection, and reparation for victims.

In the Indian context and globally, victimology is increasingly relevant due to rising awareness of gender-based violence, child abuse, cybercrime, human-trafficking, hate crimes, and terrorism. A modern criminal justice system cannot claim legitimacy if it disregards victims' suffering, protection, and rehabilitation.

## **2. Re-imagining crime through the lens of the victim**

Traditional criminology has defined crime in terms of violation of laws and order, thus giving the State the position of primary victim. Within the same system, the victim was considered a marginal figure, only for starting criminal proceedings and providing evidence. This offender-centric model shortened crime to a matter of blame and punishment, while the real suffering of victims has remained invisible.

Victimology throws crime into the perspective of the experience of harm suffered by human beings, as opposed to just a matter of breaking the law. Crime from a victim's point of view is not only about hurt but also mental health issues, loss of reputation in society, financial damages, and disruption of life plans for a long time. Often, these effects continuously last far beyond the moment of criminal action and they hardly ever get recognized in the traditional penal responses. Victim-centred approach in criminology brings it upon recognizing that justice is not only about a considerable number of convictions or harsh punishments, but it also must include the restoration of the person's dignity and well-being.

This is a major change in the context of sexual abuse, domestic violence, and crimes conducted in custody. One example of people with sexual offences is that they are treated like they should be blamed socially, and their traumatic experience is made worse when investigations become intrusive and trials are prolonged. In view of this, the Supreme Court of India has remarked

that the court process has to be cognizant of the victim's dignity and privacy and that the delivery of justice should not, in itself, be a source of further trauma.<sup>1</sup> Likewise, in the case of custodial violence, the Court has recognised that the victims anguish is intensified when the abuse is perpetrated by the very state agents who are supposed to offer protection, and thus such acts are no longer seen as mere isolated misconduct but as serious violations of fundamental rights.<sup>2</sup>

Looking at crime from the victim's perspective, one can see that the focus on crime as an offence against the State is quite limiting. Whenever victims are marginalised, their needs for protection, participation, and rehabilitation are ignored. Victimology insists that the criminal justice system must regard crime as an infringement upon the victim's dignity and human rights. It is a position supported by constitutional values, especially the right to life and personal liberty under Article 21, which has been held to encompass the right to live with dignity.<sup>3</sup>

### **3. From Marginal witnesses to Rights-Bearing participants**

Victims were, for a long time, outside the main spotlight of the criminal justice system. The prevailing legal doctrine mainly saw crime as an offence against the State, which consequently, the victim was nothing more than a provider of information or a witness for prosecution. After filing a complaint, the State would take almost complete control over the case, thus leaving victims with hardly any say in investigation, prosecution, and sentencing. This method mirrored an offender, centric view of justice where the focus on conviction and punishment was considered paramount to the interests of victims and their inherent human dignity.

Victimology disputes the conventional frame by suggesting a major change in the way the victims are seen. They are no longer regarded as passive bystanders but rather as participants with rights. The basis of this change is the fact that victims are acknowledged to have legitimate and independent interests in the criminal process and therefore they should be entitled to the right to be heard, the right to be protected from further harm and the right to ask for compensation, among others. The "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" was an international reflection of this change. It recognizes the rights of victims to access to and administration of justice, fair treatment, restitution, and

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<sup>1</sup> State of Punjab v. Gurmit Singh, (1996) SCC 384.

<sup>2</sup> D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.

<sup>3</sup> Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

compensation.<sup>4</sup>

India, among other countries, has significantly been influenced by the implementation of this principle of law at the domestic level. Indian judiciary has, over time, recognized that victims, far from being strangers, are parties to criminal proceedings. In “Mallikarjun Kodagali v. State of Karnataka”, the Supreme Court explicitly recognised the victim's right to be involved in the criminal process and said that victims cannot be made to be “silent spectators” when decisions that affect their interests are made.<sup>5</sup> The Court stated that one of the means to a genuine access to justice is recognition of victims as the stakeholders whose voices must be heard, especially in cases of appeals against acquittals and inadequate sentences.

The shift from exclusion to participation can also be seen in how victims’ rights to get the information and receive fair treatment during investigation and trial are now known. Courts have pointed out that victims deserve to be given procedural fairness, particularly where crimes of sexual violence are involved.

In “State of Punjab v. Gurmit Singh”, the Supreme Court drew attention to the need for safeguarding the dignity and privacy of victims in a trial, thereby admitting that the use of harsh methods leaves the victims effectively excluded from the justice system.<sup>6</sup> Judicial interventions of this nature are a sign of a wider victimological preoccupation, viz. the need to ensure that participation does not come at the cost of yet another trauma. These developments, notwithstanding the transformation of victims into rights-holders, are still a work in progress. There is a lack of legal aid for victims, they are not involved in plea bargaining decisions and must face the problem of systemic delays which render them powerless.

#### **4. Secondary victimization and institutional accountability**

Secondary victimisation is the term used to describe how victims suffer from additional, often unnecessarily, harm when dealing with the criminal justice system after the original crime itself. The primary offence is what inflicts the victim initially; however, the police, prosecutors, courts and other agencies’ reactions can still upset the victim through their insensitivity, delay

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<sup>4</sup> Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, G.A. Res. 40/34 (Nov. 29, 1985).

<sup>5</sup> Mallikarjun Kodagali v. State of Karnataka, (2019) 2 SCC 752.

<sup>6</sup> State of Punjab v. Gurmit Singh, (1996) 2 SCC 384.

and the rigidity of the procedures. Victimology highlights secondary victimisation as one of the major fails of modern criminal justice systems which also reveal that the very institutions that have been set up to administer justice can turn into the source of victims' pain.

An important and new way of explaining secondary victimisation is by considering it as a structural effect of the system architecture rather than just a matter of individual wrongdoings. In the past, criminal procedure mainly focused on protecting the rights of the accused without giving enough consideration to the emotional and psychological needs of victims. Thus, victims must tell of their horrifying experiences multiple times, have intrusive medical examinations, and be subjected to very aggressive cross-examinations that mostly concentrate on their credibility rather than on the behavior of the accused. Though these practices are accepted by law, they often cause the victims to relive their trauma and make them less willing to report a crime.

Judicial acknowledgement of this problem has slowly come to the surface. In “State of Punjab v. Gurmit Singh” case, the Supreme Court pointed out that public trials and insensitive questioning of victims in cases of sexual offences not only add to the suffering of victims but also take away their dignity.<sup>7</sup> Likewise, the Court in “Sakshi v. Union of India”, stressed the importance of procedural reforms to shield sexually abused victims from hostile courtroom situations, while it also acknowledged that conventional adversarial practices could cause further harm to victims. These rulings show that the judiciary is becoming aware of the fact that the institutional processes should be scrutinized from a victim-centred perspective.<sup>8</sup>

Secondary victimisation is also evident in the situations of procedural delays and bureaucratic disregard. Investigations and trials being prolonged make victims go through their traumatic experiences repeatedly for years which in turn results in them being mentally drained and losing hope in the justice system. With the help of victimology, delay is looked at not just as a mere inconvenience caused by the administration but as real harm which needs the institution to be held responsible. Article 21, which guarantees under the constitution the right to a fair and reasonable procedure, has been understood to also include the right to be protected from such systemic neglect.<sup>9</sup>

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<sup>7</sup> State of Punjab v. Gurmit Singh, (1996) 2 SCC 384.

<sup>8</sup> Sakshi v. Union of India, (2004) 5 SCC 518.

<sup>9</sup> Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

## 5. Digitalisation of Harm: New Forms of Victimhood

When society went digital, it not only changed the ways in which crimes were carried out, but also the ways in which people get harmed and that harm gets reproduced. In contrast to the traditional crimes, the criminals that operate in the digital sphere make their victims suffer in a way that is continuous, replicable, and often irreversible.

Victimology offers a radical new perspective by suggesting that digital victimhood should not be viewed as a single event, but rather as a continuous state which is supported by technology, algorithms, and platform design. Cybercrimes or digital crimes such as cyberstalking, online harassment, identity theft, financial fraud, and the non, consensual distribution of intimate pictures result in harm that goes beyond the confines of physical space and time. For example, a single action like uploading a private picture to the web can be copied, shared, and saved forever, thus causing recurring trauma. In a way, the victim is trapped in this situation and cannot simply forget and “move on” because the hurting is reactivated at every new notification, search result and by the continuous occurrence of abusive behaviours, sometimes even in an anonymous way.

Victimology consequently reassesses the idea of digital harm as one, time victimisation and not as a done and dusted offence. The case of digital victimhood particularly stands out because of the loss of jurisdictional certainty which, in a legal context, means the question of which court has the right to hear and decide on a case determined by the territory is not applicable in cases of digital crimes. While the perpetrators may be anonymous or geographically scattered to be beyond a single border, the victims are those who are left with the task of figuring out the divisions of the law and the delayed processes of removing the content. This structural gap effectively pushes the victims to manage the harm themselves and thus they are forced to keep on reporting the abuse, explaining their suffering, and reliving the trauma. This inaction at the institutional level, seen through the victimological lens, is equivalent to the victim being subjected to secondary digital victimization.

Indian constitutional jurisprudence has increasingly recognised the link between digital harm and personal dignity. In “Justice K.S. Puttaswamy (Retd.) v. Union of India”, the court upheld that informational privacy and decisional autonomy are elements of the right to life and

personal liberty under Article 21.<sup>10</sup> Such a recognition is especially applicable to the victims of online abuse whose dignity is violated through unauthorised data exposure and surveillance. Prior to this, in “Shreya Singhal v. Union of India”, the court, while striking down vague restrictions on expression, had also realised the great impact of online speech and harassment.<sup>11</sup> These rulings together indicate the judiciary’s growing awareness and concern for the harms inflicted via the digital medium.

Victimology draws attention to the way the design of platforms makes people more vulnerable. These days, algorithms have been used to amplify content that is sensational or triggering to grab more attention. As a result of such mechanisms, victims’ emotional and social costs increase rather than decrease when they seek redressal under the current mechanisms that are circuitous and, in many cases, unsuccessful.

## **6. Intersectional vulnerability and structural inequality**

Victimisation affects different people in different ways. Crime can be seen as being neutral on paper. However, its effect is largely shaped through social structures such as caste, class, gender, religion, age, disability, and location. The notion of intersectional vulnerability explains how these factors interact and overlap, making some groups more exposed to harm and less able to access justice. Victimology uses this lens to show that crime is not only an individual experience but also a reflection of structural inequality.

Inequality at the structural level determines who becomes victim, how the harm is being handled, and if justice is finally served. Here, the case of a woman from a wealthy family background may have access to better legal representation, media coverage, and support from institutions than the case of a woman from a lower caste living in the village or rural area. It is true that both may suffer from similar crimes, yet the results of their cases are very different in most instances. Victimology points out that the vulnerability of individuals is a result of their social and institutional inequalities.

Indian courts have in some cases addressed the situation of members of historically marginalised communities. In “State of Karnataka v. Appa Balu Ingale”, the Supreme Court held that caste, based violence should be recognised as part of a long, standing social

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<sup>10</sup> Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

<sup>11</sup> Shreya Singhal v. Union of India, (2015) 5 SCC 1.

oppression rather than simply being viewed as isolated criminal acts.<sup>12</sup> In the same way, the courts have observed that crimes against women, children, and Scheduled Castes and Scheduled Tribes are often not reported out of fear of retaliation, social stigma, and neglect by the authorities.<sup>13</sup>

A case study is a good method to get a grasp of intersectional vulnerability. Imagine a sexually abused Dalit woman in a countryside. Her womanhood makes her susceptible to patriarchal violence, her caste puts her in a position to be abused, and her poverty restricts her from getting legal help. Upon lodging a complaint with the police, she may get a rebuff to her complaint or be coerced into withdrawing it. Even if the matter is heard by the court, the woman may be compelled to desist due to long delays and absence of security. Therefore, the injury she experiences is not only due to the offence, but also to the latter being compounded by the social and institutional frameworks. Victimology highlights these composite injuries and thus destroys the myth of equal justice.

## **7. State as an Agent of Victimisation**

Victimology used to be concerned only with harm caused by individual offenders but now, among other things, it also acknowledges the State as a potential perpetrator of victimisation. State-induced victimisation is one such example of abuse of power by authorities transcending applying laws which include custodial violence, illegal detention; wrongful prosecution and failure of police and the law enforcement agencies to prevent, or at least minimise, the occurrence of harm or crimes. Public trust is betrayed and lawful authority abused when authorities commit acts of victimisation.

The power imbalance between the State and the individual compounds the victim's vulnerability. Victims of custodial violence or unlawful detention are victims that can hardly be heard due to intimidation, and absence of evidence as well as institutional cover, ups. The damage also includes psychological trauma, social stigma, and loss of confidence in the justice system besides physical injury. Victimology suggests that these acts of brutality by the police should not be seen merely as isolated incidences of the police but rather as structural failures of the whole system that required the focused attention and study of criminologists.

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<sup>12</sup> State of Karnataka v. Appa Balu Ingale, (1995) 2 SCC 273.

<sup>13</sup> Baxi v. State of Uttar Pradesh, (1978) 4 SCC 47.

In several instances, the law, making organs of India have explicitly stated that one of the functions of the State has been causing different forms of victimisation and therefore the State has a responsibility to address and remedy the issues as part of its governance. In the case of “D.K. Basu vs. State of West Bengal”, the court declared in no uncertain terms that torture in police custody is a breach of the fundamental rights under Articles 21 and 22 and issued a set of rules that must be followed to avoid such abuse of power.<sup>14</sup> Similarly, in “Nilabati Behera vs. State of Orissa”, the Court held that the State has the highest liability for deaths in custody and thus, apart from giving compensation to the victim’s family, it has been made clear that constitutional remedies are to deal with state, inflicted harms.<sup>15</sup> Both these judgements show a victimological shift in that State misconduct has changed from being seen as mere administrative irregularities to serious human rights violations.

Yet another facet of State-induced victimisation is persecution by wrongful prosecution and malicious investigation. Even though they are later acquitted, people who have been wrongly implicated in criminal cases have lost their liberty, good name, and means of living. Victimology points to the fact that such victims get very limited rehabilitation or acknowledgement of harm. In the Joginder Kumar case, the Supreme Court reminded the police that arrests without justification are nothing but an infringement on the individual's rights and the intellectual suffering of the victims has no basis.<sup>16</sup>

To see the State as a source of victimisation is to radically change the field of criminology in that the starting point is no longer that only private actors can cause harm, but that the state can also be a perpetrator. That call for putting an end to such practices also means that institutions must be held responsible and accountable for their actions, made transparent and given remedies that surpass the mere punishment of erring officers.

## **8. Beyond Punishment: Restorative justice and Victim-centred models**

Most traditional criminal justice systems have been mainly retributive in nature, with the punishment of the offender seen as the primary response to crime. Penalizing offenders might please society’s need for accountability, but it hardly ever meets the actual needs of the victims, e.g., recognition of harm, emotional closure, and rehabilitation. Victimology thus challenges

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<sup>14</sup> D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.

<sup>15</sup> Nilabati Behera v. State of Orrisa, (1993) 2 SCC 746.

<sup>16</sup> Joginder Kumar v. State of Uttar Pradesh, (1994) 4 SCC 260.

this punishment, oriented model by calling for restorative justice and victim-centred approaches, which emphasize change in focus from simple retribution to repair, responsibility, and healing.

Restorative justice understands crime as a violation of law and a breakdown of relationships between the victim, the offender, and the community. Its main objective is to make amends through dialogues, to encourage offenders' responsibility, and to restore the victim's dignity and empowerment. Consumeristic models put the victim's voice, consent, and well-being at the forefront, acknowledging that if victims are forgotten in the process, then justice is never achieved.

According to victimology, restorative justice is pivotal in that it allows victims to express themselves in a way that the adversarial system denies them. Most victims want to know the reasons, get an apology or receive a promise that the perpetrator will not do harm again, which are things that prison alone cannot provide. For instance, when dealing with juvenile offenders or minor offenses, restorative methods like victim-offender mediation may bring closure and at the same time, reduce the rate of re-offending. Victimology thus endorses such models where participation is on a voluntary basis, and there is a very careful balancing of power imbalances.

Indian courts, by and large, support restorative principles only to the extent of suitable cases, and that too in a rather restrained manner. In "Gian Singh v. State of Punjab", the court held in this case that criminal proceedings relating to purely personal or private matters may be amicably settled through compromise if it is just to do so, besides agreeing that such compromise can be allowed only when the case is not one of grave or serious societal impact.<sup>17</sup> In a similar vein, the juvenile justice system in India also takes into account the notion of restoration by rehab emphasis and the mere punishment is largely downplayed.<sup>18</sup> These changes are indicative of a move away from retributive justice towards a more victim-centred approach.

Nevertheless, victimology also provides us with a cautionary note that restorative justice is not the answer to every situation. When it is a matter of extreme violence, sexual offences, or cases involving significant power differentials, restorative methods may not only fail to protect the

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<sup>17</sup> Gian Singh v. State of Punjab, (2012) 10 SCC 303.

<sup>18</sup> Juvenile Justice (Care and Protection of Children) Act, 2015.

victims but may also put them at risk of being coerced or re-traumatized. Turning restorative justice into a cheap and speedy solution is tantamount to discarding the very basis of its ethics. Victim-centred justice necessitates that the victims be kept fully informed and supported psychologically, and that there must be institutional safeguards. Restorative and victim-centred approaches go beyond punishment and instead of asserting dominance, they conceive of justice as a healing process.

## 9. The Future of Victimology in Modern Criminology

The future of victimology depends on its capability to keep adapting to new types of victimization and at the same time affect the structure and core values of criminal justice systems. Nowadays, crime is more related to technology, social inequalities, and the expanding power of the State, and victimology has stopped being a mere study of individual trauma. It becomes a tool to assess how legitimate, fair, and humane criminal justice is. One of the significant paths victimology can take is the recognition of non-traditional victimization. Victims of digital crimes, environmental damage, corporate cheating, and mass surveillance might not fit into existing legal categories. Victimology will be essential in uncovering such unrecognized or collective victims and forcing law to acknowledge different types of harm beyond the physical. Also, there is a demand for victim participation and procedural justice that is growing and this should be reflected in the next criminal justice reforms that will probably consider not only the results but the treatment of victims throughout the whole process. Victimology can be a major factor in transforming institutional practice in areas such as trauma, informed policing, victim, friendly court procedures, and victim involvement in prosecution and sentencing decisions. This move mirrors a wider recognition that justice should be considered fair by those who suffer the most.

Victimology will continue to be a major facet of discussions around technology and governance. Technologies like AI, predictive policing, and data, driven surveillance cause serious victimological issues such as algorithmic bias, false targeting, and privacy invasion. Victimology equips the victims with the necessary tools to understand and possibly challenge the introduction of these technologies that might create new forms of victimisation particularly among marginalised groups of society. Moreover, victimology contributes significantly to the transformation of criminal justice from punitive to rehabilitative and restorative. Although retributive models may continue to have some value, future systems will most likely be a combination of restorative and reparative approaches that emphasize the dignity and healing of

victims. Victimology provides the necessary framework that keeps the instrumentalities from becoming mere symbols or instruments of coercion but genuinely victim-centred. To put it simply, victimology's future is as much about setting standards as it is about analysis. It will keep on challenging authority, bringing to light the failures of institutions, and demanding that the yardstick of a just society be how it treats those who have been harmed. As the field of criminology moves forward, victimology will be at the core of its moral and practical foundations.

## 10. Conclusion

This research paper has shown that victimology has turned from being a minor issue in criminology to becoming the main framework in studying crime, harm, and justice. The research rethought how crime is understood by focusing on the victim, and thus it opposed the usual offender-centred view of crime as a simple breach of law and order. Rather, it pointed to crime as a real form of harm, one that can affect victims in various ways: physically, psychologically, socially, and economically, and the effects often last long after the crime itself.

The paper has documented the shift of the role of victims from being mere witnesses to becoming rights, holding individuals, with the example of how legal systems of today have, step by step, recognised the rights of victims to be treated with dignity, to be involved, and they must be safeguarded. On the other hand, the paper also pointed out that there is still an issue of victims' empowerment being a lot less than what is publicly acknowledged. By referring to the concept of secondary victimisation, the article has highlighted that the very processes of the institutions, such as the police, courts, and systematic procedural delays, can be, not only indirectly, a source of victims' pain, therewith requiring greater institutional responsibility and trauma, aware justice.

Further, the paper has examined the impact of technology on crime illustration how tech, based crimes have challenged victims' vulnerabilities, giving rise to a new pattern of constant and global victimhood. Victimology's involvement in solving digital crimes is not only about tracking down the perpetrators but also about interrogating the existing systems and technologies that make the continuation of harm possible. Likewise, exploring vulnerability at the intersection of different social categories showed that victimisation is a result of social inequality and among other factors, it is largely determined by the caste, class, gender or economic status of a person which also influences the capacity to have one's grievance

addressed.

By pointing to the State as being responsible for victimisation, this article has extended the field of criminology to cover the abuse of power, custodial violence and wrongful prosecution, thus it has reinforced the notion that justice systems should be held accountable for the harm resulting from the use of their authority. The debate about the restorative justice model was also an example of the shift from the punitive to the victim, focused approaches that victims who are genuinely respected and allowed to exercise their autonomy without being coerced can find new meaningful avenues. Finally, victimology, which used to be seen as an alternative perspective, is now recognized as one of the main components of contemporary criminology. Victim experiences are crucial to the moral legitimacy and effectiveness of criminal justice systems; hence their disregard could be to the detriment of the latter in both aspects.

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